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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,392	02/12/2002	Valerie Sacrez Liebhold	RCA89732	3856

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EXAMINER

GHATT, DAVE A

ART UNIT	PAPER NUMBER
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2854

DATE MAILED: 12/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/049,392

Applicant(s)

LIEBHOLD, VALERIE SACREZ

Examiner

Dave A Ghatt

Art Unit

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AW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-20 is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2002 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Waldman (US 5,402,481). As illustrated in Figure 20, Waldman teaches the claimed invention. Waldman teaches a keyboard with a body having a plurality of selectable keys correlated in an X-Y coordinate system having a major Y-axis, a major X-axis, and an origin. Each key of Waldman has abscissa and ordinate values defining a particular coordinate value within the X-Y coordinate system. Figure 20 shows a first key, the '1' key, having a maximum positive along the Y axis, and a second key, the '7' key, of the plurality of keys having a maximum negative value along the Y-axis. Waldman also teaches a third key '4' with a maximum positive abscissa value, and a fourth key '0' with a maximum negative integer abscissa value along the X-axis. Waldman further teaches a fifth key 'X' at the origin. With respect to the requirement for the absolute values of the quadrant keys to be smaller than the absolute values of the maximum positive and negative X and Y ordinate and abscissa keys ('1' key, '7' key, '4' key, and the '0' key), the keyboard arrangement of Waldman meets this limitation because of Waldman's circular arrangement of keys.

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Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2 -5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waldman (US 5,402,481) in view of Barvesten (US 5,864,765). As outlined in the above rejection to claim 1, Waldman teaches a keyboard that meets all the claimed limitations. Figure 20 of Waldman further teaches a data entry system in which the keys are arranged so that a distance from the ventral key to any other key of the plurality of keys is defined as a square root of the sum of the squares of the abscissa value and the ordinate value for said any other key. In fact, Waldman teaches all the claimed structure except for keys that form an alphabet. Barvesten teaches a keyboard for a telephone similar to that of Waldman. As illustrated in Figure 1A, Barvesten teaches a telephone in which the number input keys also include letters that form an alphabet. To one of ordinary skill in the art, it would have been obvious to include letters in addition to the numerals, as taught by Barvesten, in the keyboard of Waldman, in order to be able to dial phone alphanumeric phone numbers, such as 1-800- CALL-ATT.

With respect to the requirement for the keys to be arranged in alphabetical order, as required by claims 3 and 5, Barvesten further teaches in Figure 1, the keys arranged in alphabetical order. In the invention of Waldman, to one of ordinary skill in the art, it would have been obvious to use arrange the keys in alphabetical order as taught by Barvesten, in order to facilitate quick entry of keys when dialing.

Allowable Subject Matter

5. Claims 6-20 are allowed.

Claim 6 is indicated as allowed because the prior art of record does not teach or render obvious the total method claimed, including the step of depicting a data entry screen wherein a distance from the central located key to any other key of the plurality of keys is defined as a square root of the sum of the squares of an abscissa value and an ordinate value for said any other key, and the step of returning to the centrally located key after user selection of any one of the plurality of keys.

Claim 14 is indicated as allowed because the prior art of record does not teach or render obvious the total method claimed, including the step of displaying a keyboard on a display showing a plurality of alphanumeric data entry keys wherein a first key of the plurality of alphanumeric data entry keys is a space key, and the step of returning to the space key after user selection of any one of the plurality of alphanumeric data entry keys.

Examiner's Comments

6. The examiner has considered the applicant amendment filed 15 September 2003. In view of the amendments the Objections to claims 1-5 have been withdrawn. In view of the amendments, claims 6-20 have been allowed. However, claims 1-5 have been rejected under Walden and Barvesten as outlined above.

Conclusion

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7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

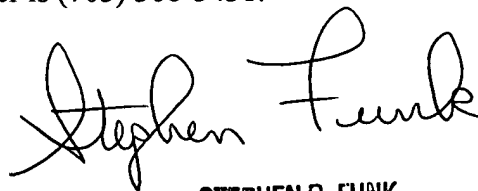
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave A Ghatt whose telephone number is (703) 308-2417. The examiner can normally be reached on Mondays through Friday 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H Hirshfeld can be reached on (703) 305-6619. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-3431.

DAG


STEPHEN R. FUNK
PRIMARY EXAMINER